

## REMARKS

Claims 16, 17 and 19 are currently pending in this application. By this amendment, claims 16 and 19 have been amended and new claim 20 has been presented for the Examiner's consideration. New claim 20 is previously cancelled claim 18. Applicant respectfully submits that the above amendments and added claims do not add new matter to the application and are fully supported by the specification. Support for the amendment(s) and added claims may be found at least at page 5, lines 6-21 of the specification.

In view of the above amendments and the following Remarks, Applicant respectfully requests reconsideration and timely withdrawal of the pending objections and rejections for the reasons discussed below.

### ***Preliminary Matters***

Applicant believes that no extensions of time are required at this time. If extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned for under 37 C.F.R. § 1.136(a). Applicant believes that no further fees for net addition of claims are required at this time. Any fees required for extensions of time and any fees for the net addition of claims are hereby authorized to be charged to Deposit Account No. 503310.

### ***Double Patenting Rejection***

Claims 16, 17, and 19 stand rejected under the judicially created doctrine of obviousness-type double patenting over claims 3, 11, and 23 of U.S. Patent No. 6,689,470. Applicant

respectfully request that the double patenting rejection be held in abeyance until these claims are deemed otherwise allowable. Upon that time Applicant will consider the submission of a terminal disclaimer to address the double patenting rejection.

***Rejections Under 35 U.S.C. § 102***

Claims 16, 17, and 19 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U. S. Patent No. 6,506,354 issued to Stiller, *et al.* ("Stiller '354"). Applicant respectfully requests reconsideration in view of the above amendment and following remarks. Claims 16 and 19 have been amended to include that the carbon foam is produced directly from particulate coal. Stiller '345 fails to disclose a carbon foam made directly from particulate coal. Rather, Stiller '345 conducts a solvent extraction process with coal to obtain a particular asphaltene extract. It is the asphaltene extracted portion of the coal that is then used to form a carbon product. See Stiller '345, col. 3, ll. 4-22. Based on this amendment Applicant respectfully submits that amended claim 16 and 19 is not anticipated by Stiller '345.

Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(e) rejection of claims 16, 17, and 19. Since none of the cited references disclose or suggest all the features of the claimed invention, Applicant respectfully submits that independent claims 16 and 19, and all the claims that depend therefrom are allowable.

***Rejections Under 35 U.S.C. § 103***

Claims 16, 17, and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stiller '354. Applicant respectfully requests reconsideration in view of the above amendment and following remarks. As discussed above, claims 16 and 19 have been amended to include that the carbon foam is produced directly from particulate coal. This feature is not disclosed, suggested or taught in Stiller '345 as Stiller '345 is directed to a solvent extraction of the coal to obtain an asphaltene fraction and using this asphaltene fraction to form a carbon product. Therefore, Stiller '245 does not teach or suggest each limitation of claims 16 and 19. Thus, Applicant respectfully submits that amended claims 16 and 19 are not obvious over anticipated by Stiller '345.

Applicant respectfully requests withdrawal of the 35 U.S.C. § 103 rejection of claims 16, 17, and 19. Since none of the cited references disclose or suggest all the features of the claimed invention, Applicant respectfully submits that independent claims 16 and 19, and all the claims that depend therefrom are allowable.

**CONCLUSION**

Applicant submits that a full and complete response has been made to the pending Office Action and respectfully submits that all of the stated objections and grounds for rejection have been overcome or rendered moot. Accordingly, Applicant respectfully submits that all pending claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is thus respectfully requested to pass the above application to issue.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the Applicant's undersigned representative at the number below to expedite prosecution. Prompt and favorable consideration of this Reply is respectfully requested. Applicant respectfully requests that a timely Notice of Allowance be issued for this application.

Respectfully submitted,



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Date: March 1, 2005

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